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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) NO. CR 10-0647
Plaintiff,)

v.)

CARLOS ALBERTO ORANTES)
HERNANDEZ,)
a/k/a Carlos Hernandez Orantes,)
a/k/a Javier Hernandez Balbuena,)
a/k/a Javier Balbuena,)
a/k/a Javier Babualena,)

Defendant.)

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

On October 4, 2010, the parties in this case appeared before the Court. At that time, the Court continued the matter to November 1, 2010. The parties have agreed to exclude the period of time between October 4, 2010 and November 1, 2010, from any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the exclusion would allow the reasonable time necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an

1 exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18
2 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings consistent with this agreement.

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4 SO STIPULATED:

5 MELINDA HAAG
6 United States Attorney

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8 DATED: October 4, 2010

9 /s/
10 LOWELL C. POWELL
11 Special Assistant United States Attorney

12
13 DATED: October 4, 2010

14 /s/
15 RONALD TYLER
16 Attorney for CARLOS ORANTES HERNANDEZ
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[PROPOSED] ORDER

For the reasons stated above and at the October 4, 2010 hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from October 4, 2010 and November 1, 2010, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). Denying the requested exclusion of time would deprive the parties of the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 10/6/2010

